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2 CHAPTER 13 STANDING TRUSTEE
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re: } Case No.: 18-21661
GERARDO YANEZ LARA } D.C. No.: CLH-3
NORMA LYDIA CAMARENA } CHAPTER 13 PROCEEDING
Debtor(s). } DATE: OCTOBER 2, 2108
 } TIME: 10:00 AM
 } DEPT.: D

CHAPTER 13 STANDING TRUSTEE'S OPPOSITION TO DEBTORS'
MOTION TO CONFIRM SECOND AMENDED CHAPTER 13 PLAN

RUSSELL D. GREER, Chapter 13 Standing Trustee in the above referenced matter, opposes
Debtors' Motion to Confirm Second Amended Chapter 13 plan on the following grounds:

I.
BASIS OF OPPOSITION

1. Trustee has requested copies of Debtors' 2017 Federal and State Tax Returns, as well as
Debtors' 2017 Corporate Tax Returns. Until Trustee is able to review those documents, Trustee is
unable to determine whether Debtors' Chapter 13 Plan is feasible. [11 U.S.C. §1325(a)(6)]

2. The Debtors' plan proposes the following monthly payments to secured creditors:
a) Franklin Credit Management, Class 2, \$4,041.11 per month, and
b) Internal Revenue Service, Class 2, \$521.70 per month.

These monthly payments total \$4,562.81 per month, without Trustee compensation and expense, and
with Trustee compensation and expense, total \$5,069.79 per month. Debtors' plan payment in months
1 and 2 is only \$2,600.00 per month. Accordingly, Debtors' Plan is not feasible.

[11 U.S.C. §1325(a)(6)]

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II.

POINTS AND AUTHORITIES

11 U.S.C. §1322(a) provides that a plan shall provide for certain payments to creditors and for payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of this title.

11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in §1325(a) is met.

The debtors carry the burden of proving, by a preponderance of the evidence, that the plan complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177 B.R. 648, 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff, 22 B.R. 510, 512 (9th Cir. 1982).

WHEREFORE, the Trustee requests that the court deny the Motion to Confirm Second Amended Chapter 13 Plan.

Respectfully submitted,

Dated: 09/10/2018

/S/ LORRAINE W. CROZIER

LORRAINE W. CROZIER,

Attorney for Russell D. Greer,

Chapter 13 Standing Trustee